

REMARKS

These remarks are responsive to the non-final Office action dated July 22, 2009.

In the Office action, the Examiner (a) objected to the Supplemental Reissue Oath/Declaration of James Paschal McCloskey (filed on March 13, 2009) as being non-compliant with 37 C.F.R. 1.175 for failing to identify at least one error which is relied upon to support the reissue application, and (b) rejected claims 1, 3, 4, and 6-22 as being based upon a defective reissue declaration under 35 U.S.C. § 251.

In response, Applicant submits herewith a new Supplemental Reissue Oath/Declaration of James Paschal McCloskey, under 37 CFR 1.175, containing a proper statement of error in accordance with the requirements set forth in the Office action.

In view of the new Supplemental Reissue Oath/Declaration and the above remarks, Applicant respectfully requests withdrawal of the objection and claim rejections set forth in the Office action, and allowance of the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF EFS FILING

I hereby certify that this correspondence was electronically filed using the USPTO's EFS-web on October 21, 2009.

/s/ Nancy L. Alexander
Nancy L. Alexander

Respectfully submitted,

KOLISCH HARTWELL, P.C.

/s/ Peter E. Heuser
Peter E. Heuser
Registration No. 27,902
Customer No. 23581
Attorney for Applicant/Assignee
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679